THE FINANCE BILL, 1990

THE MINISTER OF FINANCE (PROF. MADHU DANDAVATE): Madam, I beg to move:

"That the Biil to give effect to the financial proposals of the Central Government for the financial year 1990-91, as passed by the Lok Sabha, be taken into consideration.

The motion was proposed

THE DEPUTY CHAIRMAN: Anybody to speak on this Bill? (*Interruptions*) Nobody? (*Interruptions*) I will now put the question. The question is:

"That the Bill to give effect to the financial proposals of the Central Government for the financial year 1990-91, as passed by the Lok Sabha, be taken into consideration."

The question was adopted

THE DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 72 were added to the Bill.

The First Schedule, the Second Schedule, the Third Schedule and the Fourth Schedule were added to the Bill. Clause 1, the Enacting Formula and the Title were added to the Bill.

THE MINISTER OF FINANCE (PROF. MADHU DANDAVATE): Madam, I move:

"That the Bill be returned."

The question was put and the motion was adopted.

THE DEPUTY CHAIRAMAN: The House stands adjourned till 2.30 P.M.

The House reassembled for lunch at thirty minutes past two of the clock.

The House reassembled after lunch at thirty minutes past two of the colck, **The Deputy-Chairman** in the Chair.

RE. RETURN OF THE APPROPRIATION BILL AND THE FINANCE BILL WITHOUT DISCUSSION

THE DEPUTY CHAIRMAN: Special mentions. (*Interruptions*).

THE LEADER OF THE OPPOSITION (SHRI P. SHIV SHANKER): Madam, I would just like to make one submission for your consideration.

THE DEPUTY CHAIRMAN: Yes.

SHRI P. SHIV SHANKER: Madam, I should not be misunderstood. This morning, the Appropriation Bill and the Finance Bill have been declared to have been passed. (*Interruptions*).

THE DEPUTY CHAIRMAN: I have permitted him to speak.

SHRI P. SHIV SHANKER: I have brought to your kind notice that he Appropriation Bill and the Finance Bill have not been passed according to the rules though I did not give you the details as to on what basis my submission was. Therefore, the passing of these two Bills becomes *ultra vires* and I thought that I might be heard before you could take a decision whether they should be considered for the purpose of passing. If you kindly permit me, may I just proceed to make my submissions? (*Interruptions*).

SHRI T. R. BALU (Tamil Nadu): They have already been passed.

SHRI KAMAL MORARKA (Rajasthan): Madam, I am on a point of order. (*Interruptions*).

THE DEPUTY CHAIRMAN: Hon. Members, just a minute. Please have patience. Take your seats. I have permitted Mr. Shiv Shanker to have a say. In the House, I am one person who never stops anybody to have a say, even slogans, which I try to stop. But please let me allow Shiv Shanker-ji to say what he wants to say.

SHRI KAMAL MORARKA: Madam, I am on a point of order.

THE DEPUTY CHAIRMAN: What is your point of order?

SHRI KAMAL MORARKA: My point of order is this. Regarding proceedings in the House, if any Member wants to raise any objection to the ruling with reference to some proceedings of the House which have already taken place, the correct forum is the Chairman and not the House. You cannot start discussing it in the House. Mr. Shiv Shanker cannot read or point out anything in the House that stands part of the proceedings of the House. This is the point of order. He can raise it with the Chairman. The House is not the forum to start discussing as to what has happened in the House is legal or illegal. The correct forum is the Chairman's Chamber. (*Interruptions*).

THE MINISTER OF INFORMATION AND BROADCASTING AND PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): Madam, you cannot open a discussion on the past proceedings. It is never done. (*Interruptions*)

THE DEPUTY CHAIRMAN: Mr. Kamal Morarka, I have heard your point of order. Before I hear what Mr. Shiv Shanker has to say, I cannot give my opinion. I would like to give my opinion after I hear him, as I heard you.

SHRI KAMAL MORARKA: My point of order is. (*Interruptions*).

THE DEPUTY CHAIRMAN: My ruling—I should not call it ruling—my observation is, unless and until I hear him I cannot give you whatever I want to state. I do not know what he has to say. Let him say that. Then I will give you the ruling.

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh): He must have given you some notice.

THE DEPUTY CHAIRMAN: No notice is given to me. He just asked for my permission to speak and as the Leader of the Opposition... (*Interruptions*).

SHRI JAGDISH PRASAD MATHUR: He must have told you about the subject he wanted to raise.

THE DEPUTY CHAIRMAN: He is saying it now.

SHRI JAGDISH PRASAD MATHUR: Madam, here, I may beg to differ. You would not agree to ... (*Interruptions*).

THE DEPUTY CHAIRMAN: It is all right (*Interruptions*). Let us not talk about propriety. Let us talk about decency. Please sit down. (*Interruptions*). If you do not what, I will go ahead with special mentions.

PROF. CHANDRESH P. THAKUR (Bihar): Madam, unless it is completed... (*Interruptions*).

SHRI JAGDISH PRASAD MATHUR: Unless you know the subject, you never permit him. Did he not... (*Interruptions*).

SHRI KAMAL MORARKA: He says what has happened in the morning is *ultra vires*. He has used that phrase. The House proceedings can never be *ultra vires*. It can be pertaining to the rules (*Interruptions*). If he has any objection to the ruling of the Chair in the morning, only the Chairman is the authority. He cannot reopen it in the House. They are passed as per the ... (*Interruptions*). Nobody can challenge that.

DR. G. VIJAYA MOHAN REDDY (Andhra Pradesh): Nobody has got a right to challenge.

SHRI KAMAL MORARKA: There is no law, Madam. Mr. Shiv Shanker had been a Law Minister. He knows it. Even the Supreme Court cannot go into the proceedings of the House. If the Chair says that the Bill is passed, it is passed and there is nothing more to it ... (*Interruptions*) and there is no question of the Constitution of India. It stands passed. That is the law ... (*Interruptions*) ... Now Mr. Shiv Shanker says that what happened in the House is *ultra vires*. That is a new phrase that he is using. I do not know what he means. The proceedings of the House cannot be *ultra vires*... (*Interruptions*)...

SHRI DIPEN GHOSH (West Bengal): Madam, how can he say that it is *ultra vires* ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: I do not know...(*Interruptions*)...

SHRI DIPEN GHOSH: I do not know how he says that. He uses the phrase *ultra vires*...(*Interruptions*)...

SHRI JAGDISH PRASAD MATHUR: Madam, he has been an advocate and a Judge...(*Interruptions*) ...He knows it...(*Interruptions*)...

SHRI KAMAL MORARKA: Madam, the proceedings of the House cannot be *ultra vires*... (*Interruptions*)...

SHRI P. SHIV SHANKER: Madam, ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Mr. Shiv Shanker, please ...(*Interruptions*)...I will hear you...(*Interruptions*)...

SHRI P. SHIV SHANKER: Madam, it is really shocking, the way they are behaving... (*Interruptions*)... This amounts to misbehaviour...(*Interruptions*)...They cannot cast aspersions on me...(*Interruptions*)...

THE DEPUTY CHAIRMAN: No more of passing of comments on each other...(*Interruptions*)...All of you, please sit down...(*Interruptions*)... Just a minute, please...(*Interruptions*)...All of you, please sit down...(*Interruptions*)...Do not pass comments on the Leader of the Opposition...(*Interruptions*)...

SHRI GURUDAS DAS GUPTA: I have not passed any comments...(*Interruptions*)...I stick to parliamentary practice... (*Interruptions*)...I stick firmly, while speaking, to parliamentary practice. I wish to draw the attention of the Chair to the fact that the proceedings of the House, which have already taken place, cannot be challenged...(*Interruptions*)... and they cannot be challenged in the House itself neither can they be challenged even before the Chairman. He has used the term *ultra vires*. You cannot declare the proceedings as *ultra vires*. For that, the complainant has to go to the Supreme Court and take recourse to...(*Interruptions*)...

SOME HON. MEMBERS: No, no...(*Interruptions*)...

SHRI DIPEN GHOSH: Even he cannot go to the Supreme Court...(*Interruptions*)...

SHRI KAMAL MORARKA: This cannot be done...(*Interruptions*)...

SHRI GURUDAS DAS GUPTA: Madam, the proceedings of the House cannot be questioned even by the Leader of the Opposition. ..(*Interruptions*)...They cannot be questioned... (*Interruptions*)... Therefore, I suggest to them not to utilise the time of the House...(*Interruptions*)... My humble submission to the honourable parliamentarian and my respected colleague in the capacity of Leader of the Opposition is that he should take the normal course instead of taking the time of the House...(*Interruptions*)...

SHRI SYED SIBTEY RAZI (Uttar Pradesh): The procedure has been violated...(*Interruptions*)...

THE DEPUTY CHAIRMAN: No procedure has been violated. Please sit down...(*Interruptions*)... All of you, please sit down...(*Interruptions*)...Somebody has complained that the procedure has been violated. No procedure has been violated... (*Interruptions*)...Please let me explain. Perhaps he did not hear because he was sitting here or standing here and did not hear. The Question Hour was not suspended by the Chairman and the questions were gone through. Whether somebody heard it or did not hear it, I do not know. But the questions were asked, supplementaries were asked. When I came to the Chair, I called for the Papers to be laid on the Table of the House and I asked the concerned Ministers to do it. We had many motions regarding elections to various bodies and the Ministers moved them

and they were adopted. Then I asked the three Members to raise their Special Mention, that is, Mr. Salaria, Mr. Subramanian Swamy and Mr. Narayanasamy. The three names had been listed and I called those names. There was no response and then I said, "We will take up the legislative business." and I called for the legislative business to be taken up. After that, the Minister moved. I said, "Anybody who wants to speak?". Nobody came forward to speak. So, there is no violation of any law... (*Interruptions*)...

SHRI HANSRAJ BHARDWAJ (Madhya Pradesh): How can you do like this? ...(*Interruptions*)...How can you treat the House like this?... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Please sit down... (*Interruptions*)...I would request the Members to go through the record... (*Interruptions*)...

SHRI HANSRAJ BHARDWAJ: No, no... (*Interruptions*)...You cannot treat the House like this... (*Interruptions*)...

THE DEPUTY CHAIRMAN: There is nothing to get angry. Please go through the record and see... (*Interruptions*)...

SHRI HANSRAJ BHARDWAJ: You have treated the whole House like children... (*Interruptions*)... You cannot do that... (*Interruptions*)...

SHRI P. UPENDRA: Madam, he cannot talk like that... (*Interruptions*)...

THE DEPUTY CHAIRMAN: I am sorry, if the Members behave like children, I cannot help... (*Interruptions*)...Mr. Bhardwaj, I said, if the Members behave like children, I cannot help... (*Interruptions*)...If you behave like children, what can I do?.. (*Interruptions*)...You are all Elders... (*Interruptions*)...Please ..(*Interruptions*)...Just a minute... (*Interruptions*)...

SHRI HANSRAJ BHARDWAJ: You cannot treat the whole House like this... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Mr. Bhardwaj, just a minute. I am not that angry nor anxious about anything. I am only saying you said that I treated you like a child if you behave like a child, I treat you as a child. Did I at any point of time ask anyone to come to the well? In fact, I requested at the top of my voice that you should all please go back to your seats. I requested you to go back to your seats. I said, please go back to your seats...(*Interruptions*) You are arguing unnecessarily. If you want to argue, it is okay...

SHRI HANSRAJ BHARDWAJ: This is not the way you lead this House.

SHRI N. K. P. SALVE (Maharashtra): Madam, you admit there was a very grave disorder at that time, you concede there was a very grave disorder at that time. I wanted to speak but there was a very grave disorder in the House as a result of which I could not speak...

THE DEPUTY CHAIRMAN: I agree with you hundred per cent. (*Interruptions*) I request you to please keep quiet. I agree with you, Mr. Deputy Leader, there was a terrible disorder in the House; I agree with you; even my papers were pushed.

SHRI N. K. P. SALVE: There was a very grave disorder. In the midst of a grave disorder...

THE DEPUTY CHAIRMAN: I am extremely happy that you have agreed that there was disorder.

SHRI N. K. P. SALVE: Equally, Madam, under the rules if there is a grave disorder, they should not get it passed surreptitiously.

THE DEPUTY CHAIRMAN: If I may remind you of the History, many a time I as Deputy Chairman... (*Interruption*) Please be quiet. When I am on my legs please keep quiet. I felt so sorry because the Chairman

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cried. But it was not my responsibility. But it was up to him to deal with the situation. But I was so anguished and I requested everybody to go back to his seat. I also requested one Member when he was taking away my papers. I told him to go back and he didn't go back. I requested all of you and some people came to pull my papers. That is why I had to adjourn the House. (*Interruptions*) I don't need your cheers. Thank you. I ran this House when you were making noise; I have done the same way. I have not in any way violated any rule. In the same way I had allowed the former Prime Minister to make his speech when everybody was shouting at the top of his voice. What was wrong in it?

SHRI GURUDAS DAS GUPTA: We never made the Chairman cry in the House.

SHRI N. K. P. SALVE: There is rule 257. I beg of you to read rule 257. I beg of you to consider whether you have yourself abided by the provisions of this rule and see whether or not our rights have been denied in terms an order of this House under rule 35...

SHRI M. A. BABY (Kerala): The word 'surreptitious' used by him should be removed.

THE DEPUTY CHAIRMAN: I will see the record.

SHRI N. K. P. SALVE: "In the case of grave disorder arising in the Council, the Chairman, may, if he thinks it necessary to do so, adjourn the Council or suspend any sitting for a time to be named by him."

Now there are only two options. There are the only options available and you cannot deny to me my right in terms of an order of this House...

SHRI DIPEN GHOSH: On a point of order...

SHRI N. K. P. SALVE: I have been given four days' time to discuss the two Bills. As a result of grave disorder—and rightly so when someone came up to you and tried to push your papers—the question remains, if this be the situation, what your authority is, what your obligation is. Not to deny my right to me. Either you adjourn the House or for the time being suspend the business. There is no third option to you. And what you have done is you have helped them pass two Bills in respect of which the whole House had a...

THE DEPUTY CHAIRMAN: Mr. Salve, I have done my duty. I am elected by the House and my duty is to run this House. My duty is to run this House, that whatever is the listed business I must go through it. This is not the first time. On the last day of the last session—I don't know the number—we passed even the Appropriation Bill without discussion. And we did it. Many times I have allowed Members... (*Interruptions*) Just a minute, please. Can you say that there was order in the House all the time when they were in the Opposition? (*Interruptions*) Just a minute, please (*Interruptions*) Just a minute. Please, Salve Sahib, can you take your seat? I am not disputing anything. I am only telling about my anguish as Deputy Chairman. I wish you were the Deputy Chairman to know what one has to undergo through the whole day. If you say that it was disorder in the House and I haven't adjourned the House, in the past... (*Interruptions*) Just a minute. (*Interruptions*).

I will tell you. Mr. Shiv Shanker is a very sober, decent person. He makes his points very nicely. I have allowed him to speak. And I see to it that the Leader of the Opposition... (*Interruptions*) Sit down... (*Interruptions*) Mr. Gurudas Das Gupta, please take your seat. It is a serious matter and I am taking it seriously... (*Interruptions*) I have called him. And that is why I maintain that the Leader of the Opposition and the Leader of the House have the right to say what they want to say and the Members should listen. That is why I have requested him. When this side was on this side, while sitting over here you have seen there

were scenes over here and I have allowed not only the Prime Minister but also the Home Minister to read out his whole speech, without anybody being given a chance.

Now, if that was right, this is also right. I put it to the House. (*Interruptions*).

SHRI N. K. P. SALVE: The point of procedure is very simple. Madam, in terms of rule 35 of the Rule of procedure about which the Leader of the Opposition is talking, there was a motion passed by the House. A motion had been passed in the House. (*Interruptions*) Madam, I will supplement with what I have to say after he has spoken.

THE DEPUTY CHAIRMAN: I have allowed Mr. Shiv Shanker to say something. Please let him speak.

SHRI P. SHIV SHANKER: Madam, I am sure my right to speak in this House will not be curtailed.

THE DEPUTY CHAIRMAN. I would never do that..(*Interruptions*)

SHRI P. SHIV SHANKER:...even though what I say may be outright rejected. (*Interruptions*).

THE DEPUTY CHAIRMAN: I would request everybody to please keep quiet. Let me hear.

SHRI P. SHIV SHANKER: I would like to preface my submissions from what has been observed by friends on the other side. Madam, all of us are aware that this House is sovereign so far as its own procedure and the Rule are concerned. Article 118 of the Constitution gives total power to this House for formulating its own procedure and the Rules. Nobody can question that procedure and the Rules. If there had been any procedural irregularity with reference to the passing of any Bill or the carrying out of the business of this House, that cannot be questioned in any court of law under article 122 of the Constitution.

Having said this, I have to fall back on the rules for the submission that I was making. Madam, I am not disputing the statement that you have made. I will proceed from the premise that every word of the statement that you have made is absolutely correct. The statement I am making is that the procedure followed in passing these two Bills is *ultra vires* the Rules that are on record. Now, the question is, can we reconsider it? The submission that I would make is that it is the ordinary principle of jurisprudence which applies to all the institutions that the power to make equally has inherent in itself power to unmake also. The power to make equally inherits in itself the power to unmake also. It is inherent. Now, for that matter one need not go into the laws Many friends on the other side are also lawyers. They might usefully recall Section 8 of the General Clauses Act which says that the power to make equally includes in itself the power to unmake. In other words, if there is the power to appoint, inherent in it is equally the power to remove. I would like to make my submissions on the merits. Ultimately, if you give the ruling that my arguments are not well based, then the request I am making that we may be given a chance to consider those two Bills may be rejected. There is no difficulty about it. I for one would not hesitate for a minute to say that if my arguments do not appeal to you or to the House, then I have no case. Therefore, the submission I would like to make is to consider whether the rules have been violated. If the rules have been violated, then which rules have been violated and in which form for the purpose of passing these two Bills? If you are satisfied that I have made out a case, then please give us a chance for a discussion on the bills. Otherwise, you say that there is no question, the Bills stand passed, "I have heard you and I reject." It would be a fair approach. (*Interruptions*) If I can make out a case...

(*Interruptions*)

SHRI SYED SIBTEY RAZI: It is something between the Chair and the

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Leader of the Opposition. What right do you have to interrupt?

SHRI CHATURANAN MISHRA (Bihar): I have a right to ask the Leader of the Opposition. We have a right to make and unmake, as he said and I agree with him. But a special motion is needed for unmaking also. If there is some Act and we want to repeal it, then you cannot do it by a statement. You have to bring in an amendment and say that this Act is hereby repealed. Then only we can have a discussion. Here what has happened is that we have passed the Bills. Now you say: "Have discussion". Then what to do? To repass it, we have to unmake and say that whatever we have passed in the morning is hereby repealed. Then we will have the motion again and then only the discussion can take place. Otherwise, there cannot be any discussion.

(*Interruptions*)

SHRI P. SHIV SHANKER: Madam, that is why, I gave the argument at the very outset that it is *ultra vires* of the rules. That means it is as good as not having been passed. (*Interruptions*) I will bring to the notice of the House more than one rule to demonstrate my point. Of course, it will take a little time and I may be allowed that indulgence to just read a few rules. I can just make a mention of it. We have written a letter to the Secretariat. Equally I have moved a motion in terms of Rule 167. I have done both so that I should be on the safe side. There is the letter and also there is the motion under Rule 167. My purpose will be served if the Chair considers my argument. Ultimately, if it is rejected, then it is a different issue altogether.

Madam, may I now proceed by starting with what happened in the Business Advisory Committee?

SHRI KAMAL MORARKA: Madam, the proceedings of the Business Advisory Committee are never discussed in the House. Mr. Shiv Shanker is a respected Member of this House. He is setting wrong precedents by stating what happened in the Business Advisory Committee. (*Interruptions*)

SHRI P. SHIV SHANKER: It is the property of the House.

SHRI KAMAL MORARKA: My whole objection is this. You want to do a further wrong in order to correct what you think is wrong.

SHRI P. SHIV SHANKER: Mr. Morarka, I will assure you... (*Interruptions*)

THE DEPUTY CHAIRMAN: Just a minute. In spite of every noise and din, I allowed the Business Advisory Committee's decision to be read in the House like I allowed these Bills to be passed in the House. In the same way, I had allowed. You are taking recourse to it, because you were not present in the Business Advisory Committee right? It was through the record you came to know.

SHRI P. SHIV SHANKER: I have got the Bulletin, Madam.

THE DEPUTY CHAIRMAN: Bulletin cannot be done until and unless I allow the decision to be read in the House. So, in the noise and din, I even allowed that to be read.

SHRI CHATURANAN MISHRA: It was the business of the House because it was passed...

THE DEPUTY CHAIRMAN: In spite of objections from everybody, I still had requested that whatever business the Business Advisory Committee had decided should be read out from the Chair as well as by the Minister of Parliamentary Affairs, and somebody read it. So, that I allowed like today's business. It was in the same way...

SHRI DIPEN GHOSH: Madam...

THE DEPUTY CHAIRMAN: Let him finish. I will allow you.

SHRI P. SHIV SHANKER: I appreciate the point of the friends on the other side that they may disagree with every word that I may utter. I perfectly appreciate their right. But they must listen to me. They may disagree with everything. I have no objection. Every word may be thrown out. But I must be heard. That is all I want to say. (*Interruptions*).

THE DEPUTY CHAIRMAN: Let him finish first.

SHRI P. SHIV SHANKER: Madam, when it comes to the question of the Rules of Procedure, Rule 33 reads as follows:

> "It shall be the function of the Committee to recommend the time that should be allocated--(a) for the discussion of stage or stages of such Government Bills and other business as the Chairman may direct for being referred to the Committee."

THE DEPUTY CHAIRMAN: Rule No. 33?

SHRI P. SHIV SHANKER: Rule 33(1) (a). This is only with reference to the recommendation for the purpose of allotting time for the discussion of the Business, Government Bills and other business. I would not like to trouble you, Madam, with the other sub-clauses. They may not be relevant for the present purpose. I will take you to Rule 34.

SHRI CHATURANAN MISHRA: That is the maximum time, House can do earlier or devote more also.

SHRI P. SHIV SHANKER: Mishraji, you are elder to me. You are entitled to advise me. And as an youngster, I will obey you. But allow me to speak. You will pardon me for saying that I expect more sobriety from you as compared to a lot of my friends, the youngsters, here.

SHRI CHATURANAN MISHRA: Yes I do not want to copy your colleagues, what they have done.

SHRI P. SHIV SHANKER: Madam, Rule 34 refers to Report of allocation of time to the Council. It says: "The allocation of time in regard to the Bill or group of Bills or other business as recommended by the Committee, shall be reported by the Chairman or, in his absence, by the Deputy Chairman to the Council and notified in the Bulletin. This has been done, Madam. This also has been published in the Bulletin dated 18th May, 1990, where you have been pleased to announce the business of the House for the entire week.

THE DEPUTY CHAIRMAN: I must remind you that that day also there was din and noise in the House. I must only remind the Members of this House. When I announced, you remember there was noise in the House and also objection. And still whatever I announced, it was heard. And it was absolutely in order.

SHRI M. M. JACOB (Kerala): Madam, you have already said it. (*Interruptions*)

SHRI P. SHIV SHANKER: Madam, I have nothing to say on what you have been pleased to observe. But I was only trying to make a reference, and the Bulletin reads:

> "The Deputy Chairman made the following announcement in House today (18.5.1990):—'I have to inform Members that the Business Advisory Committee at its meeting held today, the 18th May, 1990, allotted time for Government Legislative Business as follows:...' "
>
> Therein, item 1 of the Business reads: 'Consideration and return
>
> 3 P.M. of the Finance Bill, 1990, as passed by the Lok Sabha—2 days'.
>
> Of course, other Bills are mentioned. I would not like to trouble you, for a moment, with the details of this. Then, the same day, the Deputy Minister of Parliamentary Affairs announced the Business for the coming week in the House. In the announcement, it was said 'Consideration and return of the

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following Bills, as passed by the Lok Sabha: (a) Appropriation (No. 2) Bill 1990; (b) The Finance Bill, 1990'.

This is in terms of rule 34. Then, rule 35 says:

"As soon as may be after the report has been made to the Council, a motion may be moved by the Deputy Chairman or in his absence, by any other member of the Committee designated by the Chairman 'that this Council agrees with the allocation of time proposed by the Committee in regard to such and such Bill or Bills, or other Business, as the case may be', and if such a motion is accepted by the Council, it shall take effect as if it were an order of the Council."

THE DEPUTY CHAIRMAN: Which rule are you reading?

SHRI P. SHIV SHANKER: Rule 35, For the present, my submission is only on this point. I will be making different submissions later on by referring to certain other rules. My submission is that allocation of time —two days—for the discussion on the Finance Bill is an order of the Council. I am trying to tag on rule 35 to the announcements that have been made in the House.

Then, rule 36. This 'Disposal of outstanding matters'. It says:

"At the appointed hour in accordance with the Allocation of Time Order, for the completion of a particular stage of a Bill or other Business, the Chairman shall forthwith put every question necessary to dispose of all the outstanding matters in connection with that stage of the Bill or other Business."

I will be correlating this with some other rules at a later stage. I am more concerned with rule 37 for the present.

Rule 37 is 'Variation in the Allocation of Time Order'.

SHRI M. M. JACOB: This is important.

SHRI P. SHIV SHANKER: This is important, Madam. Rule 37 says:

"No variation in the Allocation of Time Order shall be made except by the Chairman, who may make such variation if he is satisfied after taking the sense of the Council that there is a general agreement for such variation."

Madam, the submission I would like to make is that in terms of rule 37, which I have read just now, along with the other rules which I referred to earlier, namely, rules 34 and 35, when once, in the Business Advisory Committee meeting, time has been allotted and you were please to announce it in the House in terms of rule 34, and when once it becomes a Council Order in terms of rule 35, the question of abridging that time, in any form, does not arise.

SHRI P. UPENDRA: Several times we have done it. There was no discussion. Straight away put to vote. This has happened several times. There were no speakers.

SHRIMATI MARGARET ALVA (Karnataka): This was after taking the sense of the House.

SHRI P. SHIV SHANKER: Madam, the Minister of Parliamentary Affairs is right. It has happened several times. But this is so only when the House decides 'All right; there will be no discussion'. Then, it will be passed.

SHRI DIPEN GHOSH: If there is a general agreement.

SHRI P. SHIV SHANKER: This could be done by taking the sense of the House, in terms of rule 37. The Chairman takes the sense of the House and then announces. Otherwise, there can be no variation whatsoever.

Therefore, Madam, my submission is that, in terms of all these rules,

time allotted for the purpose of consideration and return of the Finance Bill, namely, two days, could not have been abridged and it could not have been passed unless the entire House agreed otherwise. That did not happen. Therefore, I would like to submit that under these rules, after time has been allocated and it has been announced and after it has been assumed as the Order of the Council, in terms of rule 35, it could not have been abridged otherwise. It could not have been passed in the furore that took place. It could not have been passed, in any form, within a minute. Therefore, the action that has followed is violative of rule 37. That is the first argument of mine.

THE DEPUTY CHAIRMAN: We are not sitting in a court of judgement. I have allowed you, but please do not make it a debate so that others may say that they should also be allowed to speak. Right from the beginning I have said that I was in order because when I asked whether anybody wants to speak, there were no names and you do not expect me to keep the House in suspended animation. If no Member wants to speak, the business of the House cannot be allowed to collapse. I was in an absolute right of mine. (*Interruptions*). Mr. Shiv Shanker, you are a lawyer but I am not. I admit from the Chair that I am not a lawyer. I run this House with my conscience and with the help of the rule-book. I am so happy that today you are taking the rule-book, but when everyday I take this rule-book and ask these Members, please do not violate the rules, nobody gets up and says, "yes, you are right". There are certain rules. According to rule 38 the first hour from 11.00 to 12.00 will be the Question Hour. Until and unless the Chairman suspends it.. (*Interruptions*). I do not want you to make a speech and pass aspersions on the Chair's doings and my violating the rules without my reacting to it The first hour is allocated for questions. Yesterday and on Friday permission was taken from the Chair and the Chairman allowed suspension of the Question Hour. In spite of the fact that the Question Hour was suspended, I allowed a discussion on Meham. But today the Chairman did not allow suspension of the Question Hour. None of the Members asked questions. When it came to the question of the Finance Bill, I agree that the Business Advisory Committee had allocated two days and I announced it from the Chair, but when I sit over here I ask for the names. If you look at the register, it says, 'any Member wants to speak'? I ask if anybody wants to speak. When no names come forward what would you like me to do, to just keep sitting here like a fool for two days? Have you sent your names or have they sent any names? Nobody sent their names.

SHRI N.K.P. SALVE: As soon as I came to know that the Finance Bill is taken up for consideration ... (*Interruptions*)

THE DEPUTY CHAIRMAN: Madam, you have been a Vice-Chairman also. If the Table Office asks...(*Interruptions*). When Mr. Shiv Shanker is saying and quoting, he is asking for his right. He is absolutely right to ask for his right Whether it can be granted or not, that is a different matter according to the rules. But when he knew that the business was listed, when he says that I should have allowed, I would have been very happy—does not make any difference to me. If I have to sit here the whole day I have to sit here the whole day. (*Interruptions*). When no names were given to the Table Office, it is not for me to ask for the names. My job as a Deputy Chairman, as is yours as a Vice-Chairman, is to ask who wants to speak. When nobody comes forward, what shall I do?

SHRI N.K.P. SALVE: I must put the record straight. As soon as I was told that the Finanec Bill has been taken up for consideration, I immediately approached you. As soon as I approached you, you said that it was passed.

THE DEPUTY CHAIRMAN: Mr. Salve, have you done it before? Why today? You knew it. Didn't you read today's order paper? It was listed for today. I called the special mentions. I called the names because the Chairman had asked me to call the names on Kashmir. (*Interruptions*). Look at the record. If you do not trust me, trust the record, trust these people who write the whole

[The Deputy Chairman]

day, day in and day out, what everybody speaks. (*Interruptions*).

श्री सुरेन्द्र सिंह ठाकुर :(मध्य प्रदेश) : आपने कहा कि स्पेशल मेंशन जिन जिन लोगों के थे उन सारों को.. (व्यवधान) इसमें संतोष बागड़ोदिया का नाम था लेकिन उनको काल नहीं किया गया। .. (व्यवधान)..

SHRI N.K.P. SALVE: Permit me half a minute. I want to make a submission.

THE DEPUTY CHAIRMAN: I had called Mr. Salaria's name and he was not in the House. I had called Mr. Subramanian Swamy. I do not know whether he was in the House because I could not see him, they were all in front of me. I had asked Mr. Narayanasamy who was standing here. I told him that I was calling his name on Kashmir on which he had asked for a discussion. I swear to anything which is precious to me that I wanted a discussion on Kashmir.

(*Interruptions*)

SHRI S. S. AHLUWALIA (Bihar): What about Mr. Santosh Bagrodia?

SHRI N.K P. SALVE: Madam, I want it to go on record. The moment I was aware of the fact that the Finance Bill had been taken up for consideration, I went up to your Chair because I could not speak from here and requested you not to do it for God's sake. We wanted a discussion on that.

(*Interruptions*)

THE DEPUTY CHAIRMAN: You don't allow me to hear the Deputy Leader. If I cannot hear the Deputy Leader, again you will pass aspersions on the Chair saying that I did something without hearing him. You have two years. So have I. I don't have any ear extra. If everybody speaks at the same time, I cannot understand anything and you should realise it.

SHRI N.K.P. SALVE: All that I want to submit is that all that you have stated about the record must be correct. What you said from the Chair must be correct. I could not hear it But the moment I became aware of the fact that the Finance Bill was being taken up for consideration, I went to you. I have prepared for days and days to speak on that Bill I walked up to you. Madam, and requested you that I wanted to speak on the Finance Bill. You said that it had already been passed. I submitted that that was very unfair. So, let it go on record It is not as if you did not have a speaker You did have a speaker. But before the speaker could be called upon to speak..

SHRI DIPEN GHOSH: Mr. Salve could have requested his Members to allow him to speak. He could bave prevailed over his Members. It was his fault

SHRI N.K.P. SALVE: That is why I went up.

THE DEPUTY CHAIRMAN: You know, Mr. Salve, that when somebody wants to speak, without quoting any rules and without his or her name being listed I am one of those who allow. If you had got up and said: "Madam, I want to speak on the Finance Bill" and if I had refused you permission, you could come and claim it. (*Interruptions*) You say many other things also. Why did you not hear when I called the Finance Minister? He is still here He was on his legs. Could you not see him standing?

SHRI N.K P. SALVE: Madam, I could see nothing.

THE DEPUTY CHAIRMAN: Then it is your fault. If you could not see anything, whose fault is it? Still you will blame the Chair. Will you blame me? Will you say that I purposely allowed the Bill to be passed without giving you an opportunity to speak? Will you say that? Then how are you telling me? I called at the top of my voice.

SHRI N.K.P. SALVE: Madam, not for a moment. (*Interruptions*) Madam, if the transaction of the business was normal and if we had been in the normal course of the business, I could have heard you and I could have spoken.

SHRI DIPEN GHOSH: Who prevented him from speaking?

THE DEPUTY CHAIRMAN: I did not prevent any Member from speaking. I want the Members of this House and everybody concerned to know that it is not in my interest, as a Deputy Chairman, not to permit anybody to speak on the Finance Bill or on any other Bill. It is none of my business. I have to sit here whether there is peace or whether there is noise. But if you can't hear, it is not my fault. I try my level best to keep the peace in the House. I can't help it.

SHRI N.K.P. SALVE: I asked Mr. Dandavate. I had to ask him as to what had been passed. Madam, all that I want to submit is this. The business was not being conducted in the normal course. I could not hear Mr. Dandavate.

THE DEPUTY CHAIRMAN: I would also like you to add one sentence Business could not be conducted in this House in the normal way by whom? And because of what? Please put this also. Before passing any aspersion on the Chair, you might tell because of whom the business was not conducted properly.

SHRI N.K.P. SALVE: Because of the other people can I be denied the right to speak? This is the crucial question.

THE DEPUTY CHAIRMAN: I allowed you

SHRI N.K.P. SALVE: Madam, the moment...

THE DEPUTY CHAIRMAN: Now I am allowing you. . . (*Interruptions*)... You have no right to speak because we have the Statement and Special Mentions. But I am allowing you.

SHRI N.K.P. SALVE: With your permission, Madam—if you do not want me to speak, I will sit down.

THE DEPUTY CHAIRMAN: I am allowing you, Mr. Salve I am not stopping you. I will allow you; I am not stopping you at all. I am the last person to stop anybody. Even those who get up without my permission, I allow them to go on record.

SHRI N.K.P. SALVE: Madam, I must, with great respect to you, submit that you have been very kind. But today I must submit that.. (*Interruptions*)...

SHRI DAYANAND SAHAY (Bihar): The ruling party Members have manipulated the Chair...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Now, I take great exception to this, Mr. Salve. One of your Members has said that I have been manipulated. But, so far you have been manipulating, you manipulate things...(*Interruptions*)... You allow this aspersion to be cast on the Chair by your Member.

SHRI N.K.P. SALVE: Madam, I never said it.

THE DEPUTY CHAIRMAN: In this House it has become a tradition to cast aspersions on the Chair. This is the tradition, and I think it is gong to become a rule which will be quoted ... (*Interruptions*) . .

SHRI N.K.P. SALVE: I said, Madam, you have been fair to me—without casting aspersions. Madam, I do not know what you heard...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Unfortunately, just a couple of hours before, this comment was passed in the Chairman's chamber. But the cat is out of the bag now: The same comment is passed on the floor of the House. I am happy that the world would know what the Member has said ... (*Interruptions*) ...

THE LEADER OF THE HOUSE (SHRI M. S. GURUPADASWAMY): May I say a word?..(*Interruptions*)..

THE DEPUTY CHAIRMAN: Mr. Salve, the tragedy is, nobody listens to you except me ..(*Interruptions*)..

SHRI DIPEN GHOSH: Under which rule? ... (*Interruptions*) . .

SHRI N.K.P. SALVE: Madam, in all my years of Parliamentary life, I never said ... (*Interruptions*) ...

SHRI DIPEN GHOSH: Under which rule can an aspersion be cast against the Chair? They were quoting rules.

SHRI N.K.P. SALVE: Madam, my girevance is only this. .(*Interruptions*)... You always allow me, but today I was denied the opporunity to speak on the Finance Bill in total violation of the rules, in total violation of the procedure.

SHRI GURUDAS DAS GUPTA: My submission is ...

SHRI JAGDISH PRASAD MATHUR: He should withdraw his words.

SHRI DIPEN GHOSH: Either he should withdraw his words or he should withdraw himself from the House..(*Interruptions*)...

THE DEPUTY CHAIRMAN: I have a right to hear ... (*Interruptions*). . Just keep quiet. Yes, what have you to say?

SHRI DAYANAND SAHAY: I have great regard and respect for the Chair, but I heard it in the lobby that the Chair has been manipulated by the ruling party ... (*Interruptions*) ...

THE DEPUTY CHAIRMAN: Just a minute ... (*Interruptions*) ... Please keep quiet; please sit down. I am happy that you did not hear what was said in the Chairman's chamber before other people. I am very happy that you were not a witness to what allegations were made against the Chair in the Chaiman's cahmber. I am sure people will know about it. I am not saying it on the floor of the House. If you don't want to withdraw it, you might withdraw from the House.

SHRI DAYANAND SAHAY: I wtthdraw it.

THE DEPUTY CHAIRMAN: Thank you. At least, you have some decency. There are many others who haven't withdrawn many bad things.

SHRI JAGDISH PRASAD MATHUR: I am happy that the Member has withdrawn it...(*Interruptions*)...

THE DEPUTY CHAIRMAN: He has withdrawn; it is all right. I am a very cool-headed person: I don't get angry. If he has withdrawn, I have no objection. He might have said something, but there have been occasions when people said bad things and havn't withdrawn them. It is my duty to run the House, not to cast aspersions on the Members (*Interruptions*)

The House elected me. (*Interruptions*).

SHRI HANSRAJ BHARDWAJ: Ours is real respect; theirs is a farce. (*Interruptions*)

THE DEPUTY CHAIRMAN: I am not denying, Mr. Ahluwalia, that your support was there. The entire House elected me. including you. (*Interruptions*)

SHRI M. S. GURUPADASWAMY: I want to make a very brief observation. I am very happy that my friend, Shri Shiv Shanker, quoted rules in *en tenso* today.

SHRI P. SHIV SHANKER: I have quoted only one. I have some rules.

SHRI M. S. GURUPADASWAMY: Just a minute, please. I did not interrupt you. I don't expect you to interrupt me.

THE DEPUTY CHAIRMAN: Have you not finished this?

SHRI HANSRAJ BHARDWAJ: He has not finished.

SHRI P. SHIV SHANKER: Madam, you got up, and I yielded. What can I do? I have not even begun. I felt you were hurt and you were givng expression to your feelings. I sat down.

THE DEPUTY CHAIRMAN: Let Mr. Gurupadaswamy finish. I will allow you again

THE MINISTER OF FINANCE (PROF. MADHU DANDAVATE): He is right. He quoted from one rule, but very extensively.

SHRI CHATURANAN MISHRA: Madam, what about the statement on Kashmir?

SHRI M. S. GURUPADASWAMY: I have only said that I am happy. (*Interruptions*) ..

SHRI CHATURANAN MISHRA: It was decided that at three o'clock it would be made. My point is that everybody should stick to time.

THE DEPUTY CHAIRMAN: Let the Leader of the House say something.

SHRI CHATURANAN MISHRA: The Leader of the House should also stick to time. After all, the statetment was to be made at three o'clock. We have heard something about the time schedule and all that. Let the Home Minister make the statement.

SHRI P. UPENDRA: The statement is very important.

SHRI CHATURANAN MISHRA: Kashmir is a serious problem. That should be discussed. This matter can be taken up any day. Why today? That has been already passed So, it can be taken up. any day later. Immediately, the first priority is Kashmir.

SHRI M. S. GURUPADASWAMY: Madam, I only want to say this. I do not want to quote the rules. The rules have been quoted by my friend already. You have also made a few observations. Also you have drawn the attention of the House to the previous practices in the House, previous happenings and it was not new that Bills have been passed without discussion. Also it is not unusual that Bills have been passed in the midst of acrimony, in the midst of din and noise. (*Interruptions*)

I don't say that they are justifiable. I don't say that they are correct.

But I am happy today that the Leader of the Opposition has drawn the attention of the House to the rules. I hope and trust that these rules would be observed by every Member of his party. Even while he was making mention of these rules, the rules were violated by his own party. I hope and trust in future at least he will control his Members and that no objectionable remarks and no remarks casting aspersions on the Chair will be allowed in future. I hope he will take care of it. (*Interruptions*)

SHRI DIPEN GHOSH: Madam, I have a point of order. (*Interruptions*)

SHRI KAMAL MORARKA: What about Kashmir? (*Interruptions*)

THE DEPUTY CHAIRMAN: What is your point of order? Mr. Dipen Ghosh has a point of order. I have allowed him. (*Interruptions*)

SHRI MAKHAN LAL FOTEDAR: Kashmir is more important than this.

THE DEPUTY CHAIRMAN: I am happy that some sense has prevailed, I am very happy.

SHRI MAKHAN LAL FOTEDAR: (Uttar Pradesh): Kashmir is more important than this. I think that Kashmir should be discussed now. This we can discuss tomorrow.

SHRI DIPEN GHOSH: You ask your leader. ..

THE DEPUTY CHAIRMAN: Okay. I was only to allow Mr. Shiv Shanker and Mr. Salve who were very anxious to speak because they felt that they had a right to speak on this Bill. I also wanted you to speak on this. I also wanted the Members to ask questions in the first hour when it was not suspended. But, unfortunately, it so happened that everybody came to the well, and there was slogan-shouting. It was all right. The matter is closed. (*Interruptions*) That matter is closed now. You want to discuss Kashmir? The other matter is closed.

SHRI P. SHIV SHANKER: No, Madam.

THE DEPUTY CHAIRMAN: Your Member said that Kashmir is more important. That matter is closed.

SHRI P. SHIV SHANKER: He said that it could be discussed later. (*Interruptions*)

THE DEPUTY CHAIRMAN: No, he did not say that.

SHRI MAKHAN LAL FOTEDAR: Madam, you take the Chair. I repeat, Madam, may I make a submission? I say that Kashmir should be discussed now. So far as this matter is concerned we can discuss it tomorrow.

THE DEPUTY CHAIRMAN: I don't understand whether the Members want all the two days to discuss this matter—whether they should have spoken on the Finance Bill or not. I think this is absolutely out of order. I cannot permit it. (*Interruptions*)

SHRI P. SHIV SHANKER: Madam, I am sorry if your orders are that I should stop half-way through. I have no objection because I am a person who would obey the Chair. If you say I will sit down, but I would regretfully say that my right to speech has been curtailed.

THE DEPUTY CHAIRMAN: No. Mr. Shiv Shanker, I would not like you to sit down as you say.

SHRI P. SHIV SHANKER: You seem to be hurt. You are angry.

THE DEPUTY CHAIRMAN: I am not angry.

SHRI P. SHIV SHANKER: With this remark I will sit quietly. If you don't want me to speak, it is all right. If my speech has to be throttled down, I will sit down.

THE DEPUTY CHAIRMAN: Mr. Shiv Shanker, I am the last person to be angry. I never get angry in the Chair. I am not speaking angrily.

SHRI P. SHIV SHANKER: I am sorry. With all my respect to you, I must say today you are angry. Certain remarks that you have been passing are rather ..

THE DEPUTY CHAIRMAN: I allowed you to speak. I permitted you to speak. It was at the request of one of your Members that I allowed the statement on Kashmir to be taken up. I don't know to whom I should listen—you or him or anybody else in the House. You decide.

SHRI P. SHIV SHANKER: I have no objection if after..

THE DEPUTY CHAIRMAN: The trouble is that all the time Members get up and say I have misunderstood them. Have you ever tried to understand my difficulty? It is very easy to say I am angry. I am not allowing.

SHRI P. SHIV SHANKER: With great respect I am finding you to be in a very anguished mood. I regret for this. But I have got to say this.

THE DEPUTY CHAIRMAN: Who is the cause of it?

SHRI P. SHIV SHANKER: If this is the state of affairs, we will not be able to function. You ask me to get out; I am prepared to get out in a minute. (*Interruptions*)

THE DEPUTY CHAIRMAN: I did not need anybody's help (*Interruptions*) Please sit down. No, I don't mind. I respect Shiv Shanker Ji. Not only in the House, but outside also I have said this. It is on record. I am not in anguish. I thought the matter is over, because one of your Members got up and said: "Take up Kashmir".

SHRI MAKHAN LAL FOTEDAR: I said we have a right to speak on it tomorrow. (*Interruptions*).

THE DEPUTY CHAIRMAN: I did not hear it. O.K. Shiv Shanker Ji, you speak.

SHRI DIPEN GHOSH: Madam, they don't have continuously a right to speak. (*Interruptions*).

THE DEPUTY CHAIRMAN: I request Mr. Shiv Shanker, please never have anything in your heart that I am angry or that I am in a different mood with you. Not at all. You are most welcome to speak. (*Interruptions*).

Just a minute. What is happening here?

SHRI P. SHIV SHANKER: Why can't you allow me to speak? (*Interruptions*)

THT DEPUTY CHAIRMAN: I have allowed him.

SHRI P. SHIV SHANKER: Madam, I have said this with anguish and respect.. (*Interruptions*)

THE DEPUTY CHAIRMAN: Don't make Mr. Shiv Shanker's position more difficult. Please allow him to speak. Don't bother him too much. I don't like to interrupt him. I don't like it. He is the Leader of the Opposition and he has a right to speak. I don't want anybody to interrupt him. Please don't do that. Not even the Finance Minister.

SHRI P. SHIV SHANKER: Am I allowed to speak or should I speak afterwards? Madam, what is the position? Should I speak?

THE DEPUTY CHAIRMAN: Yes. I have allowed you (*Interruptions*)

SHRI S.K.T. RAMACHANDRAN (Tamil Nadu): Who is he to order him to speak?

THE DEPUTY CHAIRMAN: Now, who are you to interrupt him?

SHRI S.K.T RAMACHANDRAN "You should speak, you should speak", he is shouting. (*Interruptions*)

THE DEPUTY CHAIRMAN: Please sit down.

SHRI P. SHIV SHANKER: I would have finished long back. (*Interruptions*)

THE DEPUTY CHAIRMAN: Now sit down.

SHRI S.K.T. RAMACHANDRAN: Who are you to ask me to sit down. (*Interruptions*). This sort of things should not be allowed. Have we to tolerate things like that? We are not going to tolerate it.

THE DEPUTY CHAIRMAN: Don't get... I am not going to use the word 'angry'. Don't be in an agitated mood. Please sit down.

SHRI S. K. T. RAMACHANDRAN: All along it is happening. They are behaving like urchins. (*Interruptions*)

THE DEPUTY CHAIRMAN: Please sit down. I never say "sit down". I say "please sit down", but the Chair has been asked to sit down even by the Members. So, let us not go into the history. I have closed that chapter.

SHRI SHABBIR AHMAD SALARIA (Jammu and Kashmir): Madam, I would like to speak on my Special mention. It will not take more than ten minutes. (*Interruptions*)

THE DEPUTY CHAIRMAN: Please don't interrupt. I request the Members: don't interrupt Mr. Shiv Shanker

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): I have a right to know what happened to my special mention on Kashmir ... (*Interruptions*) .. I did not come late I have been sitting here quite unlike you. I have been informed by the Chairman that my special mention on Kashmir has been allowed.

THE DEPUTY CHAIRMAN: Your name was called.

SHRI SUBRAMANIAN SWAMY: I did not hear it. ..(*Interruptions*)..

THE DEPUTY CHAIRMAN: Then something is wrong with ..(*Interruptions*)...Please sit down. I have allowed Mr. Shiv Shanker to speak.

SHRI SUBRAMANIAN SWAMY: I was not a party to the proceedings being interrupted. I did not interrupt any proceedings. I have been waiting patiently here. What happened to my special mention on Kashmir? We are behaving as if nothing has happened in Kashmir. A hundred people have

[Shri Subramanian Swamy]

been shot dead, innocent people. The Chairman has given me permission.

THE DEPUTY CHAIRMAN: I called your name and you.... *(Interruptions)*.. That is not my fault.

SHRI SUBRAMANIAN SWAMY: I did not hear. I was sitting here quietly waiting for you. I did not disturb the proceedings.

THE DEPUTY CHAIRMAN: Don't get agitated. The Minister is going to make a statement on Kashmir and you can speak on it.

SHRI SHABBIR AHMAD SALARIA: Madam Deputy Chairperson, what happened to my special mention on Kashmir?

THE DEPUTY CHAIRMAN: Even you will be allowed. Everyone who is anguished over the situation in Kashmir will be allowed to speak. Even I am also anguished over the situation in Kashmir. I will allow everyone to speak. Don't get agitated on that matter.

Mr. Shiv Shanker, would you like to speak?

SHRI P. SHIV SHANKER: I am prepared to speak but the difficulty is I must frankly confess now that I am feeling that I have wrongly raised this issue. I thought that it is in the interest of all. It could be rejected. I have no objection. But the difficulty seems to be that more and more complications seem to be arising.. *(Interruptions)*.. Well, this is not the way to behave, Mr. Parliamentary Affairs Minister. Particularly Minister behaving like this is something.. *(Interruptions)*...

SHRI P. UPENDRA: Your own Members are interrupting you. Mr. Fotedar has interrupted you. I did not interrupt you.

SHRI P. SHIV SHANKER: You are a Minister, I expected some better... *(Interruptions)*...from you. You don't even allow me to speak.

THE DEPUTY CHAIRMAN: Mr Narayanasamy, take your seat. I have allowed Mr. Shiv Shanker to speak We are all waiting for the statemen on the situation in Kashmir.

SHRI P. SHIV SHANKER: Madam I just refer to Rule 69—Motion after introduction of Bills. I am not going to read it. I will read Rule 70, I quote:

> "Discussion of principles of Bill—(1) On the day on which any motion referred to in rule 69 is made, or on any subsequent day to which the discussion thereof is postponed, the principles of the Bill and its provisions may be discussed generally; but the details of the Bill shall not be discussed further than is necessary to explain its principles."

So the concept under Rule 70 is that after the introduction of the Bill, after the motion is moved, the principles of the Bill should be discussed. Then, we go to Rule 104, I quote:

> "Submission of a Bill clause by clause—Notwithstanding anything in these rules, the Chairman may, when a motion that a Bill be taken into consideration has been carried, submit the Bill, or any part of the Bill, to the Council clause by clause. The Chairman may call each clause separately, and, when the amendments relating to it have been dealt ments relating to it have been dealt with shall put the question

Now on the question of clause-by-clause consideration of the Bill, my submission is that the Finance Bill which has been passed contains many a clause that has not been put and if you kindly look up, if the Bill originates in the Lok Sabha and it is transmitted to this House, then, the rule that applies is 126 which is in *para materia* with Rule 104 and equally with reference to money Bills it is Rule 186, clauses 4 and 5 which ordain that clause-by-clause consideration must take place. Madam, I am in a hurry because I thought that I should finish, otherwise some more discus-

sions might take place. Then rule 107 deals with Clause one, enacting formula, preamble and title of the Bill which should have been put separately, which to my knowledge, to my hearing, have not been put in that form. Rule 109 deals with the motion to move the passing of bills and then the scope of the debate in passing of the Bill is dealt with in rule 110-third stage—which has not been followed. I would not like to gio into further details but the submission that I would like to make is this that having regard to the fact that we have not been able to adhere—I am not making any accusation—I should not be misunderstood that I am making an accusation against the Chair. . .

THE DEPUTY CHAIRMAN: You will be the last person to do that.

SHRI P. SHIV SHANKER: My submission is this. It is possible that sometimes when we follow a certain procedure, we overlook certain things and this is precisely what I am trying to bring to your kind notice that the procedure that is laid down in the rules could not be followed. I am not saying that it has been done consciously but sometimes, it does happen when so much of noise is there, it is possible that you have taken that view but the submission that I am making is rule 37 rules 69 and 70. rule 104 and corresponding rules, rule 126 and 186. clause 4 and 5 and rule 107 and 110 have not been followed with reference to passing of these Bills. What is it that we are asking for? We are only asking for the consideration of these Bills. The submission that I am making is, if you are satisfied on my submission and after going through the rules extensively—because I would not like to read them again, that these rules have not been properly followed, the submission that I made was that the passing of the Bill becomes *ultra vires* of the rules and it is this House which has to decide. I am not saying that it is a conscious way of approaching the problem. On many occasions—after all to err is human—somebody errs consciously and sometimes we err unconsciously also. I am not for a moment suggesting that you have committed a mistake. It is the responsibility of the whole House to pass the laws in terms of the rules that we have made.

THE DEPUTY CHAIRMAN: Have you finished?

SHRI P. SHIV SHANKER: No, I have not. Let me complete. I am trying to complete it. I would not like to take more time. I am aware that the other business is there. Therefore, the submission that I was trying to make is that it is the responsibility of the entire House to pass these Bills in the proper form and I would like to submit that notwithstanding all that has happened, if you would like to leave it to the posterity that we have passed these Bills in the illegal form, nobody is going to question us...

THE DEPUTY CHAIRMAN: You pass illegal words and you do not want me to react.

SHRI P. SHIV SHANKER: You don't want me to complete. (*Interruptions*). Madam, if you want to interject every time, then I am at a disadvantage. As compared to you, I am at a disadvantage. You are sitting on the Chair and I am at a disadvantageous position. I would request you to allow me to have my say.

THE DEPUTY CHAIRMAN: I have been allowing you for a long time, Mr. Shiv Shanker. Please speak.

SHRI P. SHIV SHANKAR: I do not know whether I stand. I will have to reconsider. (*Interruptions*).

THE DEPUTY CHAIRMAN: I allowed you to speak as the Leader of the Opposition.

SHRI P. SHIV SHANKER: Now in submission it will be wrong to leave the

[Shri P. Shiv Shanker]

matter as it is because having regard to the rules that I have quoted, the Bills that have been passed are *ultra vires* of the rules and it will not be proper to leave it to the posterity to read it and comment on us that we have passed it in the wrong manner ... (*Interruptions*).

THE DEPUTY CHAIRMAN: Okay you have said enough.

SHRI P. SHIV SHANKER: Madam, I am sorry, then I leave it and I will walk out.

THE DEPUTY CHAIRMAN: No, no, I will allow you.

(*At this stage, some hon. Members left the Chamber.*)

SHRI KAMAL MORARKA:... Not to allow a discussion to take place.

THE DEPUTY CHAIRMAN: It is very unfortunate that Mr. Shiv Shanker was waiting for this opportunity. (*Interruptions*). Just a minute, please. I want it for the record. I want to say for the record that the Bills were passed... (*Interruptions*) Please do not make any noise in the House. Enough trouble has been taken because of the noise. I am very sorry that Mr. Shiv Shanker made a point that the Business Advisory Committee allocates time and that we should adhere to that time. Many a time we have passed Bills early. Many a time we have exceeded the time allotted by the Business Advisory Committee. I can give one hundred examples. I also would like to say this. I can understand Mr. Shiv Shanker's anguish that he could not speak. Perhaps he wanted to speak or some of his party Members wanted to speak. Unfortunately, today, they were in a different mood to come in the well and make noise and because of this he did not hear. I want to set the record straight. Every clause and the title of the Bills were called and they were passed by a voice vote. There is nothing *ultra vires* the procedure. I am saying this with all the responsibility given to me, vested in me, as the Deputy Chairman of this House and I can stand anybody's question on this. The records are there. They are very clear. I am very sorry that some Members complained that they could not hear anything and they were not allowed to speak. I hope some sense will prevail today on some Members.

SHRI DIPEN GHOSH: Madam, one point. Today morning, a Member sought to snatch, attempted to snatch papers from the hands of the Deputy Chairman in the Chair. This is reprehensible. This had never happened before in the history of this House. Earlier, there were occasions of din and protest and Members going to the well. But never had Members attempted to snatch papers from the hands of the Deputy Chairman or the Chairman or the Chairperson. Again, some Members trooped into the room of the Chairman and abused the Deputy Chairman in the presence of outsiders and in the presence of other Members. They abused the Deputy Chairman and threatened her saying that she was acting as a dictator and she would face the consequences. All these types of words were used. Never had it happened in the history of Parliament. What happens in the House on the floor of the House, is one thing. But going to the Chamber of the Chairman and abusing the Deputy Chairman has happened today. So I want to put it on record that the House declares these acts on the part of those Members as reprehensible. This is my... (*Interruptions*). We condemn it. (*Interruptions*).

SHRI GURUDAS DAS GUPTA: Madam, I only want to put on record our strongest disapproval of the way in which the Chairman of the House was treated today. It is for the first time that the Chairman had to weep in the House. He had to weep because he lamented over the total disregard to the rules of the House. It has never happened in the House earlier. Therefore, I put on record my strong disapproval of the way in which some Members are disregarding the House

manhandling the Chairman, and also manhandling democracy in the House itself. That also should be made a part of the proceedings of this House today.

SHRI P. K. KUNJACHEN (Kerala): We all agree with him and condemn their action.

SHRI JAGDISH PRASAD MATHUR: Madam, I join my friends in expressing anguish. I also request you to put it through a regular motion. Is it a motion? Shall we vote on it?

SHRI SUBRAMANIAN SWAMY: If it is a motion, I would like to speak on it.

THE DEPUTY CHAIRMAN: No. There is no motion. The anguish could be for the Chair also because my duty as the Deputy Chairman is that I should run this House and allow each and every Member to make his point. Unfortunately, it has become a habit for some Members, for quite some time, to take to the well or shout. It is very very sad. I would not like any motion on this. I can only express my anguish and my concern that people should consider that when we talk of democracy, we should maintain democracy here.

फारसी में एक शेर है—ये दरुन खाना कर दी, ते बरुन खाना आई।

The meaning is that whatever you do in your house, you would do out side. If we create an atmosphere of bedlam in the House, I do not know how the people of this country are going to accept that we want order in this country, and we are all representatives of the people. I do not want any motion. I only wanted to say this. I am sorry, I do not know what happened to Shiv Shankerji also that he made some wrong comments. He is a very good lawyer and I do not know why he made such comments. Perhaps he could not hear. But the record is the witness. If the people do not believe the Chair the record is there and the record is the witness to the fact that every clause was adopted, the clauses, the sub-clauses and the Title were voted. I called them also. If they did not hear, I could not help. If Mr. Subramanian Swamy did not hear it, I cannot help it. I only want that the Members should become more quiet in the house so that we can run the business of the House in a proper manner. I thank the Members for their concern. It is for all of us, not only for me or for you, but for all of us, for the whole House, to see to it.

SHRI SUBRAMANIAN SWAMY: Madam, you said that I did not hear. But I was not contributing to the noise. I was just sitting here... (*Interruptions*)...

THE DEPUTY CHAIRMAN: I did not say that you contributed. I said you could not hear because of the noise.

SHRI SUBRAMANIAN SWAMY: Because you made that comment. I said it. Anyhow, because I could not hear, I should not be deprived of my chance to speak.

THE DEPUTY CHAIRMAN: I am not passing any comment. It is not my habit to pass any comment. I am not saying anything... (*Interruptions*)... I only said that I called you and you did not hear.

SHRI SUBRAMANIAN SWAMY: If did not hear because of the noise here, it is not my fault.

THE DEPUTY CHAIRMAN: Nor is it my fault; it is neither your fault nor mine. Then you know whose fault it is.

SHRI SUBRAMANIAN SWAMY: It may be the fault of anybody. But it is the duty of the Chair to protect the right of the people and I have a right to speak in this House and that is why I am asking you.

THE DEPUTY CHAIRMAN: That is why I said that I would allow you to speak on Kashmir and also Mr. Salaria, who comes from Kashmir.

SHRI SUBRAMANIAN SWAMY: For your information, I want to speak on Kashmir.

THE DEPUTY CHAIRMAN: I am very happy about this information. Now, the Minister of Home Affairs is to make a statement on Kashmir.

PROF. MADHU DANDAVATE: Madam, in the observations that you made inadvertently you said that the Bills were passed. But the Bills were only returned.

THE DEPUTY CHAIRMAN: Yes, the Bills were returned because they are Finance and Money Bills and we cannot pass them.

PROF. MADHU DANDAVATE: Madam, I hope you are not angry!

THE DEPUTY CHAIRMAN: I wish I got angry, but it does not come. What can I do? ...*(Interruptions)*...

Now, the Statement by the Minister of Home Affairs.

SHRI KAHNU CHARAN LENKA (Orissa): Madam, I wanted to make a point of personal explanation and I have been allowed. When are you going to allow me to make that?

THE DEPUTY CHAIRMAN: Yes, whenever anybody has got any grievance, he should be allowed. I have taken your name and the Chairman has permitted it. Just now we have got the statement on Kashmir. After that, I will allow you. Let this business be over first. Yes, Mr. Sahay, you make the statement on Kashmir.

STATEMENT BY MINISTER

Regarding Murder of Mirwaiz Maulvi Mohd. Farooq in Srinagar and the developments thereafter

गृह मंत्रालय में राज्य मंत्री (श्री सुबोध कान्त सहाय) : महोदया, मैं, इस सम्माननीय सदन के माननीय सदस्यों को कश्मीर के मीरवाइज मौलवी फारूक की कल हुई अत्यन्त दुर्भाग्यपूर्ण तथा दुःखद मृत्यु और उसके बाद श्रीनगर में हुई घटनाओं से संबंधित तथ्यों के बारे में सूचित करता हूं। मुझे विश्वास है कि इस सम्माननीय सदन के सभी सदस्य तथा पूरे देश के सभी लोग इस वीभत्स अपराध की निन्दा करने और शोक संतप्त परिवार के सदस्य के प्रति गहरी सहानुभूति प्रकट करने में मेरा साथ देंगे।

राज्य सरकार ने सूचित किया है कि 21-5-1990 को लगभग 11.15 बजे पूर्वाह्न 3 कश्मीरी युवक मौलवी फारूक के नागिनबाग निवास पर आये और उनसे मिलना चाहा। युवकों ने गेट पर तैनात चौकीदार श्री गुलाम कादिर शूफी से कश्मीरी भाषा में बात की। उन्होंने उससे कहा कि उन्होंने मौलवी फारूक से मुलाकात का समय लिया हुआ है। मौलवी फारूक को सूचित किया गया और उनकी अनुमति पर युवकों को मकान के अन्दर जाने की इजाजत दी गई। वे लगभग 15 मिनट तक मौलवी फारूक के साथ रहे तभी गोली-बारी की आवाज सुनाई दी। चौकीदार तत्काल मकान के अन्दर गया और उसने वहां से भाग रहे एक हत्यारे को दबोचने की कोशिश की लेकिन वह उसे भागने से नहीं रोक सका। उसने पाया कि मौलवी फारूक को गोली मार दी गई है और गोलियों के कारण वे कई जगह जख्मी हो गये। मौलवी फारूक को तत्काल शोरा के चिकित्सा संस्थान में ले जाया गया, जहां जख्मों के कारण उनकी मृत्यु हो गई।

मौलवी फारूक कश्मीर घाटी के सर्वाधिक आदरणीय धार्मिक नेताओं में से एक थे। उनके अनेक अनुयायी थे।